PART IV.

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. S.D. 6015—C. 71-52-13, dated Bangalore, 10th December 1952.

The accompanying Notification No. Py. 11-CG-603(2)/52, dated 25th November 1952, issued by the Government of India, extending the Foodgrains (Licensing and Procurement) Order, 1952, into Mysore, among other States, with effect from 26th November 1952, and the said Foodgrains (Licensing and Procurement) Order, 1952, is hereby published for the information of the public.

By Order and in the name of the Rajpramukh,

N. PUTTARANGASWAMY,
Chief Secretary to Government.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

NOTIFICATION.

New Delhi, the 25th November 1952.

PYII-CG-603 (2)/52.—In pursuance of the provisions of sub-clause (3) of Clause 1 of the Foodgrains (Licensing and Procurement) Order, 1952, the Central Government hereby directs that the said Order shall, come into force in the States of Assam, West Bengal, Orissa, Punjab, Bombay, Madhya Pradesh, Patiala and East Punjab States Union, Rajasthan, *Mysore*, Delhi, Himachal Pradesh, Bilaspur, Ajmer, Coorg, Bhopal, Kutch, Vindhya Pradesh, Manipur and Tripura on the 26th November 1952.

P. A. GOPALAKRISHNAN,
Joint Secretary to the Govt. of India.

831

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE.

NOTIFICATION.

New Delhi, the 8th July 1952.

PYII-CG. 603 (2)/52.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby makes the following Order :—

Preliminary.

1. *Short title, extent and commencement* :—(1) This order may be called the Foodgrains (Licensing and Procurement) Order, 1952.

(2) It extends to the whole of India except the States of Jammu and Kashmir.

(3) It shall come into force in any State or part thereof on such date as the Central Government may, by notification in the Official Gazette, specify.

2. *Definitions* :—In this order,

(*a*) 'dealer' means a person carrying on, either personally or through any other person, the business of selling or purchasing any foodgrains, whether wholesale or retail ;

(*b*) 'foodgrains' means any of the foodgrains specified in the Schedule to this Order.

Licensing of dealers in Foodgrains.

3. *Prohibition to deal in foodgrains except under licence* :—(1) No person shall engage in any business which involves the purchase, sale, or storage for sale, of any foodgrains except under and in accordance with a licence issued by the State Government or by an officer authorised in this behalf by the State Government.

(2) For the purpose of this clause, any person who stores any foodgrains in quantity exceeding fifteen maunds shall, unless the contrary is proved, be deemed to store the foodgrains for the purposes of sale :

Provided that any officer authorised by the State Government in this behalf may, by general or special order, exempt any dealer or class of dealers from the operation of this clause, subject to such directions in regard to purchase, sale or storage for sale of foodgrains as may be specified in the order :

Provided further that any officer authorised by the State Government in this behalf may, by general or special order, exempt any person other than a dealer from the operation of this clause, subject to such conditions as may be specified in the Order.

4. *Form of licence.*—Licences issued under this order shall be in such form as may be prescribed by the State Government but every licence for sale of foodgrains shall specify—

(*a*) the foodgrains in respect of which it is issued ;

(*b*) the place or places at which the licensee may sell and the place or places at which he may store the foodgrains specified in the licence.

5. *Matters to be taken into consideration for granting a licence.*—In granting or refusing a licence under this order, the authority competent to grant a licence, shall among other matters have regard to the following, namely :—

(*a*) the stock of foodgrains available in the locality for which the licence is required ;

(*b*) the number of other persons who have applied for licences in respect of the foodgrains for which the application is made, or have been granted licences in respect of such foodgrains under this order in the locality ;

(*c*) the business ordinarily carried on by the applicant.

6. *Application for licence.*—An application for a licence shall be made in such form as may be prescribed by the State Government and shall be addressed to such officer as may be specified in this behalf by the State Government.

7. *Period of licence.*—Every licence granted under this order shall be valid for a period of one year and may be renewed from year to year.

8. *Fee for licence.*—Such fee as may be prescribed by the State Government shall be levied in respect of every licence granted under this order and for every renewal thereof ;

Provided that the State Government may, for reasons to be recorded in writing, exempt any person or class of persons from the payment of any fee under this clause.

9. *Contravention of conditions of licence.*—(1) No person holding a licence under this order shall contravene any of the conditions of the licence and if any such person contravenes any of the said conditions, then, without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order of the State Government or by an officer authorised by the State Government in this behalf.

(2) Notwithstanding anything contained in sub-clause (1), the State Government may, in any special circumstances, without giving any previous notice, suspend or cancel a licence issued under this order.

Procurement of Foodgrains.

10. *Power to procure foodgrains.*—(1) If it appears to the State Government or to any officer authorised by it in this behalf that for the purpose of maintaining or increasing the supplies of any foodgrains or for securing their equitable distribution and availability at fair prices it is necessary or expedient so to do, it or he may, by order in writing, require any person holding stock of such foodgrains to sell the whole or a specified part of the stock at such price and to such person or class of persons or in such circumstances, as may be specified in the order :

Provided that the price specified in any such order shall in no case exceed the procurement price at which the foodgrains could have been purchased from that person.

(*a*) Under any order made under the Essential Supplies (Temporary Powers) Act, 1 946, which was in force in the area on the 30th April 1952, or

(*b*) Where after the said date any other order has been made under the said Act in the area fixing the procurement price at which the foodgrains could be purchased from that person, then, under any such order in force in the area immediately before the issue of the order under this clause, *plus* a further sum not exceeding 10 per cent of the procurement price in either case.

823

Miscellaneous.

11. *Power to call for information.*—The State Government or any officer authorised by it in this behalf may, by general or special order, require any banking company to furnish such information as may be specified in the order relating to any financial assistance granted by it to any dealer whether by way of a loan or otherwise.

Explanation.—In this clause, 'banking company' means any company which transacts the business of banking.

12. *Power to seize foodgrains.*—If the stock of foodgrains specified in an order made under clause 10 is not sold in accordance with the provisions of that order, then, without prejudice to any other penalty to which the person concerned may be liable, the authority issuing the order may seize or cause to be seized such stock and deliver it to the person or class of persons to whom it should have been sold under the said order and direct such person or class of persons to pay to the person from whom the stock was seized the value thereof at the price specified in the said Order.

13. *Power to enter and search premises.*—Any officer authorised in this behalf by the State Government may, within his jurisdiction, inspect at all reasonable times stocks of foodgrains and for that purpose enter any premises or stop any vehicle and search the same and seize any stock of foodgrains in respect of which he has reason to believe that any order issued under clause 10 has been contravened :

Provided that in exercising the power of entry under this clause, due regard shall be paid by such officer to the social and religious customs of the occupant of the premises :

Provided further that if any such premises be found locked up or unoccupied or unattended by or on behalf of the owner or occupier, the same may, in the presence of two witnesses, be broken open and entered upon for all or any of the aforesaid purposes.

THE SCHEDULE.

[*See* Clause 2 (*h*)].

(1) Wheat.
(2) Paddy (rice in husk).
(3) Rice (husked).
(4) Jowar.
(5) Bajra.

P. A. GOPALAKRISHNAN,
Joint Secretary to the Govt. of India.